



IRONDEQUOIT POLICE DEPARTMENT GENERAL ORDER

General Order: 305	Effective Date: July 13, 2011
Subject: Professional Standards / Internal Affairs	
Reference Standards: 14.4, 25.1, 25.2, 25.6, 25.8	
Rescinds: G.O. 305 dated May 10, 2006	
Page 1 of 5	Attachments: Report of a Complaint Against Police Dept. Personnel

I. PROFESSIONAL STANDARDS / INTERNAL AFFAIRS FUNCTION

To ensure the integrity of the Irondequoit Police Department and its members, it is the policy of the department to investigate, document, and properly adjudicate all allegations of misconduct by department members.

II. DEFINITIONS

- A. Departmental Investigation: include but are not limited to any alleged violation of department administrative procedure, rule, order (written or verbal directive), abusive or discourteous behavior, unprofessional demeanor or action by a member of the department or any situation the Chief of Police or his/her designee deem appropriate for investigation.
- B. Personnel Complaint: an allegation of any improper, inappropriate or unlawful conduct that includes but is not limited to-
 - 1. Abuse of Authority
 - 2. Conduct which is criminal on its face.
 - 3. Inappropriate, unnecessary, unauthorized, excessive or illegal use of force.
 - 4. Any situation as deemed appropriate for investigation by the Chief of Police or his/her designee.

III. RECEIVING COMPLAINTS

- A. Any person wishing to make a complaint against a member of the department, a department policy or procedure or any aspect of the department's operation will be allowed to make such complaint to an on duty Command Officer.
- B. The Command Officer taking a complaint will title the incident as a Departmental Investigation or a Personnel complaint. The complaint form and any associated CR#'s, and /or event information attributed to the complaint must be forwarded to the Chief of Police or his/her designee via the chain of command.
- C. The complainant's allegation will be reduced to writing on the appropriate form (Report of Complaint against Police Personnel/Department) regardless of how such complaint is received.
 - 1. If the complaint is received "in person," the complainant will be interviewed and encouraged to complete the appropriate form and sign same. A signature is not required in order to make a complaint. If the complainant is reluctant or refuses to do so, the Command Officer will complete the form and submit the complaint unsigned noting the complainant's refusal to sign.
 - 2. If the complaint is received over the telephone or by mail, the complainant will be encouraged to respond to the department and make the complaint to an on duty Command Officer and fill out the appropriate form. If the complainant is reluctant or refuses to do so, the Command Officer will complete the form.

3. If the complainant remains anonymous the Command Officer will take the complaint and complete the required form. Any and all information to identify the complainant will be documented on the complaint form for any subsequent contacts and follow-up.
 4. The Command Officer will assist the complainant in filling out the complaint form if needed.
- D. If the complaint or situation calls for immediate evidence gathering, the Command Officer receiving the complaint will gather such evidence as deemed necessary. This process will include, but is not limited to, the following kinds of information:
1. The officer(s) or procedure complained about.
 2. Observation of the complainant (physical, emotional, etc.).
 3. Photographs of alleged injuries, damage, etc.
 4. Circumstances (arrest, ticket(s) issued, third party).

IV. RELIEF FROM DUTY

A. Officer is **Off Duty** at the time of the Complaint

1. When a complaint is submitted to the department and the complaint is of such a nature that it may interfere with an officer's ability to effectively discharge his/her duties and/or the complaint is of such a heinous and/or criminal nature the Command Officer receiving the complaint will:
 - a) Immediately notify his/her Platoon Commander who will, in turn, notify the Captain-Operations Division.
 - b) The Captain- Operations Division will notify the Chief of Police.
 - c) The Chief of Police will make the determination as to whether or not to relieve the officer from his/her duties.

B. Officer is **ON Duty** at the time of the Complaint

1. When a complaint is submitted to the department and the complaint is of such a nature that it may interfere with an officer's ability to effectively discharge his/her duties and/or the complaint is of such a heinous and/or criminal nature the Command Officer receiving the complaint will:
 - a) Follow the steps outlined in Section IV-A of this order.
 - b) Submit an Intra-Departmental Memorandum outlining his/her reasons for relieving the officer of his/her duties and submit this memorandum with the Complaint Package.

V. Routing:

- A. Complaint forms on "Personnel Complaints" will be referred directly to the Captain- Operations Division in a sealed envelope by the next business day.
1. Upon receipt of a personnel complaint, the Captain-Operations Division will generate an internal affairs case number prefixed by the year of occurrence (e.g. 2011 would be IA#11-001) and forward the complaint package to the Chief of Police.

- B. Personnel Complaints will be kept in strict confidence between the referring Command Officer, the Chief of Police and his/her designee, the Captain - Operations Division, and the Command Officer assigned to the investigation.
 - 1. Only authorized department personnel will be made aware of such complaints, investigations, etc.
- C. Complaint forms on Departmental Investigations will be routed in the following manner:
 - 1. Complaint against an Officer- Platoon Sergeant or Lieutenant
 - 2. Complaint against a Sergeant- Platoon Lieutenant
 - 3. Complaint against a Lieutenant- Captain: Operations Division.
 - 4. Complaint against an Investigator- Investigator Sergeant
 - 5. Complaint against an Investigator Sergeant- Captain – Operations Division
 - 6. Complaint against a Civilian Employee- Chief of Police or his/her designee
 - 7. Complaint against a Captain- Chief of Police or his/her designee.
 - 8. Complaint against the Chief of Police- Town Supervisor
- D. Department Investigation complaint forms will be signed by the receiving Command Officer, forwarded to the Captain – Operations Division in a sealed envelope.
- E. Upon receipt of a Departmental Investigation, the Captain – Operations Division will generate an internal affairs case number prefixed by the year of occurrence (e.g. 2011 would be IA#11-001) and forward the complaint package to the Chief of Police for assignment to an investigating Command Officer. A copy of the Departmental Investigation will be returned to the investigating Command Officer for action within 48 hours.

VI. COMPLAINTS REFERRED FOR FOLLOW-UP INVESTIGATION:

- A. Upon receipt of a Personnel Complaint, the Chief of Police or his/her designee will:
 - 1. Assign personnel to assist with the investigation as needed.
 - 2. Maintain a close liaison with the Monroe County District Attorney’s Office during investigations alleging criminal conduct.
 - 3. Maintain a close liaison with the attorneys representing the department where liability is an issue.

VII. DEPARTMENT PERSONNEL CONSIDERATIONS:

- A. No information concerning the progress, officer identification (unless already known by the complainant), responsibility or innocence of department personnel will be communicated to the complainant during the investigation.
- B. All investigations will be conducted in full compliance with Article 25 of the contract between the Town of Irondequoit and the Nightstick Club P.B.A.

VIII. DISPOSITION:

- A. Upon a thorough and complete investigation the complaint will be disposed of under one of following four dispositional references:
1. Unfounded: The alleged act apparently did not occur.
 2. Exonerated: Employee's conduct was justified, lawful and proper.
 3. Not Sustained: There is insufficient evidence to clearly prove or disprove the alleged conduct.
 4. Sustained: The alleged complaint did occur and amounts to a misconduct or misjudgment in behavior.
 5. Policy Failure: Department policy or procedure was outdated or incorrect.
 6. No Finding: The investigation could not be thoroughly or properly investigated to conclusion. Note: This finding may be due to a lack of cooperation by the complainant, other witnesses, or other factors that make completion with a finding not possible.
- B. At the completion of the investigation, the Command Officer conducting the investigation will prepare a complete report of the investigation to include a disposition recommendation and forward same to the Chief of Police or his/her designee.
- C. The Chief of Police will notify the following people regarding the outcome of the investigation.
1. The complainant.
 2. The referring Command Officer involved.
 3. The officer(s) involved.
 4. The Captain-Operations Division.
- D. Any discipline issues will be handled through the Office of the Chief of Police under the guidelines of the contract between Nightstick Club PBA and the Town of Irondequoit and the NYS Public Employee Relations Board.
- E. At the conclusion of the investigation, the Command Officer conducting the investigation or the Chief of Police will determine if reinforced or additional training is warranted.
1. If this is indicated, he/she will advise the Department Training Officer. Appropriate training will be provided and documented.
 2. If necessary, the Training Officer will have access to the referenced internal affairs file.

IX. INTERNAL AFFAIRS FILES:

- A. All closed cases will be maintained by the Chief of Police or his/her designee.
- B. All files will be kept in a locked file cabinet. No member of the department, regardless of rank or assignment, is permitted to review these files without the approval of the Chief of Police or his/her designee.

- C. Internal affairs records will be kept in accordance with the legal requirements as set forth under the New York State Education Guidelines.

REPORT OF A COMPLAINT AGAINST POLICE DEPARTMENT PERSONNEL

IA# _____ (to be assigned)

Personnel Complaint

Departmental Investigation

COMPLAINANT INFORMATION

NAME: _____ DOB: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ HOME PHONE: _____

CELL PHONE _____ WORK PHONE: _____ ADDITIONAL INFO: _____

IDENTITY OF EMPLOYEE(S) / VEHICLE(S) COMPLAINT IS BEING LODGED AGAINST

NAME: _____ RANK: _____ ID# _____
VEH# _____

NAME: _____ RANK: _____ ID# _____
VEH# _____

NAME: _____ RANK: _____ ID# _____
VEH# _____

WITNESSES

NAME: _____ DOB: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ HOME PHONE: _____

CELL PHONE _____ WORK PHONE: _____ ADDITIONAL INFO: _____

NAME: _____ DOB: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ HOME PHONE: _____

CELL PHONE _____ WORK PHONE: _____ ADDITIONAL INFO: _____

NAME: _____ DOB: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ HOME PHONE: _____

CELL PHONE _____ WORK PHONE: _____ ADDITIONAL INFO: _____

INCIDENT INFORMATION

DATE / TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

ORIGINAL CR#: _____

DESCRIPTION OF INCIDENT: (to be completed by complainant or Command Officer / use additional pages if necessary)

SPECIFIC ALLEGATIONS: (to be completed by the complainant or Command Officer)

1.	
2.	
3.	

I UNDERSTAND THAT THIS STATEMENT OF COMPLAINT WILL BE SUBMITTED TO THE IRONDEQUOIT POLICE DEPARTMENT AND MAY BE THE BASIS FOR AN INVESTIGATION. FURTHER, I DECLARE THAT THE FACTS CONTAINED HEREIN ARE ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. FURTHER, I DECLARE THAT MY STATEMENT HAS BEEN MADE BY ME VOLUNTARILY WITHOUT PERSUASION, COERCION OR PROMISES OF ANY KIND.

(Complainant's Initials: _____)

I UNDERSTAND THAT THE EMPLOYEE AGAINST WHOM THIS COMPLAINT IS FILED MAY BE ENTITLED TO A HEARING. BY SIGNING AND FILING THIS COMPLAINT, I HEREBY AGREE TO APPEAR AT SUCH HEARING RELEVANT TO THIS COMPLAINT.

(Complainant's Initials: _____)

FALSE STATEMENTS MADE IN THE FOREGOING INSTRUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE N.Y.S. PENAL LAW. ACCORDINGLY AND WITH NOTICE OF THE FOREGOING I HEREBY AFFIRM THAT THE FORGOING STATEMENT(S) ARE TRUE UNDER THE PENALTY OF PERJURY.

(Complainant's Initials: _____)

THIS _____ DAY OF _____, _____

Signature of Complainant Check if refused.

Signature of Command Officer Receiving the Complaint

Date Complaint Received: _____

Time Complaint Received: _____

Signature of Supervisor complaint was forwarded to: _____ Date _____

July 13, 2011



IRONDEQUOIT POLICE DEPARTMENT GENERAL ORDER

General Order: 205	Effective Date: September 11, 2009
Subject: Professional Conduct and Responsibilities	
Reference Standards: 2.10, 14.1, 14.3, 14.7, 25.2, 51.1, 55.1	
Rescinds: G.O. 205 dated: April 28, 2006	
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I. VIOLATION OF RULES

Employees will not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives, or orders of the department, whether in this general order or elsewhere.

II. UNBECOMING CONDUCT

Employees will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an employee will include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department, or that which impairs the operation or efficiency of the department or employee.

III. IMMORAL CONDUCT

Employees will maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Employees will not participate in any incident involving moral turpitude that impairs their ability to perform as members of the department or causes the department to be brought into disrepute.

IV. TRUTHFULNESS

Upon the orders of the Chief of Police or his/her designee, or any supervisor, employees will truthfully answer all the questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked of them.

V. CONFORMANCE TO LAWS

- A. Employees will obey all the laws of the United States and of any state and local jurisdiction in which they are present.
- B. A conviction of the violation of any law will be prima facie evidence of a violation of this section.

VI. INSUBORDINATION

- A. To permit effective supervision, direction, and control, employees will promptly obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.

VII. CONFLICTING OR ILLEGAL ORDERS

- A. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified.
- B. In the event an employee receives conflicting orders:
 - 1. The employee should inform the supervisor giving the last order of the conflict of orders.
 - 2. The supervisor giving the conflicting order will then resolve the conflict by retracting, modifying, or requesting the employee comply with the latest order.
 - 3. When the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
- C. Employees will not obey any order that they know or should know would require them to commit any illegal act.
- D. If in doubt as to the legality of any order, an employee will notify the supervisor of such and request a clarification.
- E. In the event an employee believes an order will jeopardize lives, their personal safety, and/or damage property or that a supervisor is unaware of information that would affect the order, the employee will inform the supervisor of such.

VIII. REPORTING FOR DUTY

- A. Employees will report for duty at the time and place required by assignment or order and will be physically and mentally fit to perform their duties.
- B. Employees will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

IX. SLEEPING ON-DUTY

- A. Employees will remain awake while on duty. If unable to do so they will report to their superior officer who will determine the proper course of action.

X. LEAVING ASSIGNED DUTY POST, AREA, VEHICLE, OR SCENE

- A. Employees will remain in/at their assigned post, area or scene while on duty, unless:
 - 1. On assignment.
 - 2. In close pursuit of an offender.
 - 3. Authorized by a supervisor.

4. Completing their tour of duty.
 5. On authorized break.
 6. An incident is reported to them outside their area of assignment that requires immediate action that they are capable of rendering.
- B. Except as provided above, it will be incumbent upon the individual to notify the dispatcher and their supervisor whenever they leave their assigned post, area, vehicle, or scene.

XI. UNSATISFACTORY PERFORMANCE

- A. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- B. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
- C. Unsatisfactory performance may be demonstrated by:
1. A lack of knowledge of the application of laws required to be enforced.
 2. An unwillingness or inability to perform assigned tasks.
 3. The failure to conform to work standards established for the employee's rank, grade, or position.
 4. The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
- D. The following will be considered, but not limited to, evidence of unsatisfactory performance:
1. Repeated poor evaluations.
 2. A written record of repeated infractions of rules, regulations, directives, or orders of the department.
 3. Sustained Complaints as outlined in General Order 305.

XII. IDENTIFICATION

- A. Off-Duty officers will carry their identification cards on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- B. On-Duty plain-clothes officers will carry their badge and identification card on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- C. Officers will furnish their name and Identification number when they are on duty or

holding themselves out as having an official capacity, to any person requesting that information unless withholding the information is necessary for the performance of police duties or is authorized by proper authority.

XIII. CITIZEN COMPLAINTS

A. Employees will refer all complaints made by a citizen against any employee of the department to an on-duty supervisor.

1. The supervisor receiving the complaint will promptly record, in writing any complaint made by a citizen against any employee of the department. Supervisors will follow established departmental procedures for processing complaints.

B. Center for Dispute Settlement (CDS)- by contract between the Town of Irondequoit and CDS:

1. CDS offers the community a neutral alternative sight where they may report complaints and/or lodge concerns.
2. The CDS offers a procedure for impartial, confidential dispute resolution for the community.
3. Complaints may be placed against department employees with the CDS.
4. Complaints reported to CDS:
 - a) CDS will conduct an initial screening.
 - b) Gather basic information about the incident.
 - c) Determine basis for the complaint.
 - d) Where complaint involves alleged misconduct or violation of rule or procedure CDS will offer the option of initiating a written complaint with CDS or directly to the police department.
5. Outcomes:
 - a) CDS will contact the Chief of Police or his/her designee, and advise him/her about the nature of the complaint.
 - b) CDS will arrange a meeting between the complainant and the Chief of Police or his/her designee. The meeting will result in:
 - (1) A facilitated discussion with the citizen to explain and inform the citizen about IPD policy and procedure and/or;
 - (2) A written complaint will be taken from the citizen which may result in an initiation of an internal investigation.

XIV. COURTESY

A. Employees will be courteous to the public.

- B. Employees will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion.
- C. Employees will not engage in argumentative discussions.
- D. In the performance of their duties, employees will not use degrading, violent, profane, or insolent language or gestures, and will not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.

XV. REQUEST FOR ASSISTANCE

- A. When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, pertinent information will be obtained in a suitable and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

XVI. DISSEMINATION OF INFORMATION

- A. Employees will treat the official business of the department as confidential.
- B. Information regarding official business will be disseminated only to those for whom it is intended.
- C. Employees may remove or copy official records or reports only in accordance with established departmental procedures.
- D. Employees will not divulge the identity of persons giving confidential information except as authorized by proper authority.

XVII. INTERVENTION

- A. Employees will not interfere with cases being handled by other employees of the department or any other governmental agency unless:
 - 1. Ordered to intervene by a supervisor.
 - 2. The employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
- B. Employees will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless exigencies of the situation require immediate action.

XVIII. DEPARTMENTAL REPORTS

- A. Reports submitted by employees will be truthful and complete. No employee will knowingly enter or cause to be entered any inaccurate, false, or improper information.

XIX. PROCESSING EVIDENCE AND PROPERTY

- A. Evidence or property that has been discovered, gathered, purchased, seized, or received in connection with departmental responsibilities will be turned into the Property Clerk's Offices as per procedures outlined under G.O. 480.
- B. Employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any evidence or property.

XX. USE OF DEPARTMENT EQUIPMENT

- A. Employees will utilize equipment only for its intended purpose.
- B. Employees will not abuse or damage department equipment.
- C. All department equipment issued to employees will be maintained in proper working order.

XXI. TREATMENT OF PERSONS IN CUSTODY

- A. Employees will not mistreat persons who are in their custody. Employees will handle such persons in accordance with law and departmental procedures.

XXII. ALCOHOLIC BEVERAGES AND DRUGS IN POLICE INSTALLATION

- A. Employees will not store, bring into any police facility or police vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens except those that are held as evidence or those prescribed by a physician.

XXIII. POSSESSION AND USE OF DRUGS

- A. An employee will not possess or use any controlled substances, narcotics, or hallucinogens unless prescribed in the treatment of the employee by a physician or dentist.
- B. An employee will immediately notify his/her supervisor when a controlled substance, narcotic or hallucinogen is prescribed and could possibly affect the performance of his/her duties.

XXIV. USE OF ALCOHOL ON DUTY OR IN UNIFORM

- A. Employees will not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. Employees will not appear for duty, or be on duty, while under the influence of intoxicants to any degree or with an odor of intoxicants on their breath.

XXV. USE OF ALCOHOL OFF DUTY

- A. Employees, while off duty, will refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior that discredits themselves or the

department or renders the employee unfit to report for his/her next regular tour of duty.

- B. The Alcohol Beverage Control Law prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages (ABCL S128)

XXVI. USE OF TOBACCO

- A. Employees will not use tobacco products at any crime scene or incidents that are in plain view of the public.
- B. Employees will not use tobacco in police vehicles.
- C. In compliance with the Monroe County Health Law there will be no smoking allowed within the Public Safety Building or any other public building.

XXVII. GIFTS, GRATUITIES, BRIBES, OR REWARDS

- A. No employee shall directly or indirectly, solicit any gift, or accept or receive any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

XXVIII. ABUSE OF AUTHORITY

- A. Employees will not use their official position or identification for:
 - 1. Personal or financial gain.
 - 2. Obtaining privileges not otherwise available to them except in the performance of duty.
 - 3. Avoiding consequences of illegal acts.
- B. Employees will not make false accusations of criminal or traffic charges.
- C. Employees will not lend to another person their identification cards or badges or permit them to be photographed or reproduced.
- D. Employees will not authorize the use of their names, photographs, official titles, or department equipment that identify them as a department employee, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police

XXIX. PUBLIC STATEMENTS AND APPEARANCES

- A. Employees will not publicly criticize or ridicule the department, its policies, or other employees, by speech, in writing, or any other expression, where such speech, writing,

- B. Employees will not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority. Officers may lecture on police or other related subjects only with the prior approval of the Chief of Police.

XXX. LABOR ACTIVITY/JOB ACTIONS

- A. Employees will not engage in any strike pursuant to Article 14, Section 210, Sub 1 of the New York State Civil Service Law (Taylor Law) to wit:
1. Prohibition of strikes, violations and penalties, presumptions, prohibition against consent to strike, violations and penalties, presumptions, prohibition against consent to strike, determination; notice; probation period, payroll deductions; objections and restoration.
 2. No public employee or employee organization will engage in a strike, and no public employee or employee organization will cause, instigate, encourage, or condone a strike.
 - a) A public employee who violates this section by engaging in a strike or violating the provisions of paragraph "c" of this subdivision herein regarding prohibitions against contents to strike will be liable therefore in accordance with the procedures hereinafter set forth. In addition, any public employee who violates the provisions of subdivision 1 of this section may be subject to removal or other disciplinary action provided by law for misconduct.
 - b) Presumption: For the purposes of this subdivision an employee who is absent from work without permission or who abstains wholly or in part from the full performance of his duties in his normal manner without permission on the date or dates when a strike occurs, will be presumed to have engaged in such strike on such date or dates.
 - c) Prohibition against consent to strike: No person exercising on behalf of the Town of Irondequoit authority, supervision, or direction over any public employee will have the power to authorize, approve, condone, or consent to a strike, or engage in a strike, by one or more public employees, and such person will not authorize, approve, condone, or consent to such strike or engagement.

XXXI. ASSOCIATIONS

- A. Employees will avoid regular or continuous association or dealing with persons whom they know, are persons under criminal investigation or indictment, except as necessary to the performance of officials duties, or where unavoidable because of other personal

relationships of the officer.

XXXII. VISITING PROHIBITED ESTABLISHMENTS

- A. Employees will not knowingly visit, enter or frequent a house of prostitution, illegal gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor.

XXXIII. GAMBLING

- A. Employees will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. The Racing, Wagering and Breeding Law (RWBL,S107) prohibits police officers from holding any office or employment with any firm that is licensed to conduct its business at a racetrack or that owns, leases or manages a racetrack.

XXXIV. PAYMENT OF DEBTS

- A. Employees will not undertake any financial obligations that they know or should know they will be unable to meet, and will pay all just debts when due. Any isolated instances of financial irresponsibility will not be grounds for discipline except in unusually severe cases. Repeated instances of financial difficulty may be cause for disciplinary action.
- B. Filing for a voluntary bankruptcy petition will not by itself be cause for discipline.
- C. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for discipline, if a good faith effort to settle all accounts is being undertaken.
- D. Employees will not co-sign a note for any supervisor.

XXXV. COURTESY AMONG EMPLOYEES

- A. Employees will be courteous and respectful in their dealings with supervisors and each other.
- B. Employees will not use degrading, violent, profane, or insolent language or gestures toward supervisors or each other nor will they utter offensive or derogatory statements or slurs concerning race, sex, religion, politics, national origin, or life style.

XXXVI. PROHIBITIONS WHILE IN UNIFORM

- A. No off duty employee is authorized to wear the department uniform (except going to or coming from work) for any other reason or purpose without permission from the Chief of Police.

XXXVII. ATTENTION TO DUTY

- A. All employees will perform their assigned duties as expeditiously as possible.
- B. Employees will not engage in any personal activities or business while on duty that interferes with the performance of their duties unless authorized by a supervisor.

XXXVIII. UNAUTHORIZED DEVICES ON/IN POLICE VEHICLES

- A. Non-department electronic or other devices which interfere with the officer's performance of duties may not be allowed in/on any police vehicles unless authorized by the Platoon Lieutenant.
- B. Permission to utilize such devices may be taken away by any command officer that recognizes that the device is interfering with the officer's duties.
- C. When a Command Officer, other than the officer's Platoon Lieutenant, removes the officer's permission to utilize a non-departmental electronic device the officer's Platoon Lieutenant will be notified of such in writing.

XXXIX. OFF DUTY INVOLVEMENT--SWORN OFFICERS

- A. Any off duty officer involved in an incident that requires him/her to identify himself/herself as a police officer and/or take some type of police action, must report this fact to the on duty supervisor. The off duty officer must submit a written report of the incident.
- B. If an off duty officer is involved in an incident where he/she is listed as a suspect or charged with an offense other than a traffic infraction, he/she must notify the on duty supervisor. The off duty officer must submit a written report of the incident.
- C. Off duty officers, assigned "take home cars," that are involved in a motor vehicle accident must report same to the on-duty supervisor.
- D. Any sworn officer assigned to investigate an incident in which an off duty employee is involved, will immediately contact the on-duty supervisor, or an available supervisor of the involved employee.
 - 1. The supervisor notified, depending on the seriousness of the incident, will proceed to the scene of the incident, or if more practical, will arrange to meet with the investigating officer when convenient to obtain all the details.
- E. Investigation reports required:
 - 1. The investigating officer will submit all necessary reports, including all facts concerning the off duty officer.
 - 2. The investigating supervisor will submit a complete written report regarding the involvement of the off duty employee to the off duty officer's captain and the on duty command officer.

XL. FICTITIOUS ILLNESS OR INJURY REPORTS

- A. Employees will not feign illness or injury, falsely report themselves ill or injured whether on or off duty, or otherwise deceive or attempt to deceive any supervisor or the police physician as to the condition of the employee's health.
- B. Employees calling in to request a sick day for an illness or off-duty injury will, as soon as possible, personally contact the on-duty supervisor to request the sick day.
 1. Employees **will not** request a sick day via a message left with the other police personnel or on the supervisor's voice mail.
 2. When the on-duty supervisor is not immediately available the employee is to request that the supervisor contact them at home or contact the 911 dispatcher and have the supervisor contact them at home.
- C. When an employee requests a sick day it will be the responsibility of the employee to remain at home during his\her normal duty hours.

Note: This is not necessary for prolonged, doctor advised, sicknesses or off-duty injuries.

1. The employee will be available by telephone during their normal duty hours.
 - a) Employees on sick leave will not have an answering machine, or another individual, in place to screen their calls during their normal duty hours.
 - b) Excused absence from their home during their normal duty hours will be for doctor's appointments and/or trips to obtain medication.
 - (1) A doctor's note or prescription may be required to be viewed when requested by the supervisor.

XLI. RECOMMENDATION OF SERVICES

- A. On duty employees of the department will not recommend or suggest in any manner, the employment or procurement of a particular product, professional service, or commercial service, etc.
 1. This is intended to include services provided by tow truck operations and/or repair garages, glass window replacement or repair concerns, physicians, attorneys, bail bondsmen, veterinarians, plumbers, electricians, carpenters, masons, and similar technical or professional services, etc.

XLII. USE OF DEPARTMENTAL RESOURCES

- A. Employees may not use the resources of the department for other than official police business.
 1. This is meant to include, but not be limited to: MoRis or Ileads inquiries, NYSPIN/NCIC requests, DMV data information, other departmental files, police garage facility and services and crime laboratory facility and services.

XLIII. GENERAL CONDUCT

- A. Conduct that is prejudicial to good order, including cowardice, whether or not specifically mentioned in the rules and regulations, is prohibited.

XLIV. LOITERING OR CONGREGATING ON-DUTY

- A. For the safety of all employees, meetings between officers will be in a public area, not behind building, and will be fully visible to the public.
- B. For the safety of all employees all meetings will be initiated over the police radio or MDT, giving the proper location of where and when a meeting is to take place.

XLV. TELEPHONE/ ADDRESS

- A. Employees will have a working telephone in their residence or cellular telephone and have the current number on file with the department. This information will assist in emergency notifications.
- B. All employees must have their current address on file in the department including an apartment number, if any.
 - 1. Mailing address, if different, must also be on file. The current physical address must contain street, road, route number, etc. In instances where a number is not assigned, a physical description as to how to locate the residence on the street, road, route, etc., is required.
- C. All changes of address or telephone number must be made immediately in writing through the employee's chain of command. Prior notification of any anticipated changes is advisable.
 - 1. This applies to temporary or seasonal changes.

XLVI. PURCHASE OF ARTICLES

- A. No employee will purchase any article or order any work or service for which the department would be liable without the approval of the Chief, or his/her designee.

XLVII. HARASSMENT IN THE WORKING ENVIRONMENT

- A. This department will maintain a discrimination free work place in which each employee is treated with respect and dignity, and working environment free from all forms of harassment including sexual harassment.
 - 1. Harassment in any manner or form is expressly prohibited.
 - 2. This department will not tolerate conduct that threatens individuals, interferes with work performance, or which creates an offensive or hostile work environment.

- B. Employees are to report any incidents to his/her supervisor or command officer to report any incident constituting harassment or sexual harassment. Incidents may include, but are not limited to:
1. Exercise, or attempted to exercise, the power or authority of one's position to control, influence or affect the career, salary, job or other employment conditions of an employee in exchange for sexual favors.
 2. Verbal abuse, threats, or false accusations.
 3. Unwelcome or repeated comments, remarks, jokes, innuendoes or taunting about a person's body, attire, age, sex, race, disabilities, marital status, ethnic, or religious origins.
 4. Displaying of pornographic, racist, or other offensive or derogatory material.
 5. Practical jokes that cause awkwardness or embarrassment.
 6. Sexual Harassment includes unwelcome touching, grabbing, and other close physical contact.
 - a) Prohibited:
 - (1) Unwelcome personal advances.
 - (2) Requests for sexual favors.
 - (3) Conduct that threatens employment status or promise of employment benefits and/or privileges in exchange for sexual favors.

C. Complaints:

In the event that a complaint of harassment is to be lodged against a supervisor who is in the employee's direct Chain of Command the employee may submit the complaint as follows:

1. Complainant is a police officer- complaint forwarded to the division Captain's Office.
 2. Complainant is a command officer- complaint forwarded to the Office of the Chief of Police.
 3. Complainant is a civilian employee- depending on the circumstances, to the Office Manager or the Office of the Chief of Police.
 4. Complainant is a Captain- Town Supervisor's Office.
 5. Complainant is the Chief- Town Board
- D. It is the responsibility of the Command Staff to monitor the workplace to ensure that the department is a discrimination free environment.
- E. At no time will any employee of the Irondequoit Police Department retaliate against another employee who makes a report of such objectionable conduct nor permit any

other member of the Irondequoit Police Department to do so.

XLVIII. POLITICAL ACTIVITY

- A. Police officers are prohibited from engaging in political actions and activities that violate section 17-110 of the New York State Election Law.
- B. Misdemeanors concerning ... members of any police force.
 - 1. Any person who being a police commissioner or any police officer or member of any police force in this State:
 - 2. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, regard or punish, the political adherence, affiliation, action, expression, or opinion of any citizen; or
 - 3. Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or
 - 4. Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor.

XLIX. Conflicts of Interest and Affirmative Duties

- A. State and municipal police officers are also subject to the provisions of Public Officers Law, Article 4 or General Municipal Law, Article 18, respectively. These statutes deal mainly with conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments. The proscribed activities include:
 - 1. Disclosure of confidential information learned in the course of official duties.
 - 2. Providing services relating to matters before an agency of the employing government.
- B. The same law also imposes several affirmative duties, including:
 - a. Disclosure of any interest in any contract or dealing with the employing agency.
 - b. Disclosure of the fact that a municipal or State employee has an interest in any real property for which an application for any sort of variance is made.
 - c. Effective January 1, 1991, annual filing of financial disclosure forms will be required by certain employees.

C. These statutes also contain or authorize the adoption of codes of conduct for State or
cipal employees, as the case may be, relating to conflicts of interest.

By Order of the Chief of Police

Richard Boyan



IRONDEQUOIT POLICE DEPARTMENT GENERAL ORDER

General Order: 310	Effective Date: May 15, 2006
Subject: Disciplinary Process	
Reference Standards: 14.4	
Rescinds: G.O. 310 dated July 22, 1991	
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I. INTRODUCTION

Discipline within an organization requires compliance to a code of ethics and standards of performance supported by a system of authoritative guidelines such as rules, regulations, general orders and other policies and procedures. Discipline is a necessary element in the maintenance and growth of any person or organization.

II. PURPOSE

- A. To define the authority and responsibility delegated to supervisors for the maintenance of discipline.
- B. All Supervisors should realize that a disciplinary system is comprised of both positive and negative aspects. To this end, the department's system will contain methods and procedures that include the following areas:
 1. A method of rewarding personnel for exceptional performance.
 - a) G.O. 255- Departmental Awards & Commendation Procedures.
 2. Training to improve employee attitude, skill and performance.
 - a) Training, in and of itself, is not to be construed as disciplinary in nature.
 3. Counseling (often used with training) to clarify expectations.
 4. Punitive action.

III. COMMAND OFFICER'S RESPONSIBILITY

- A. Command Officers are responsible to ensure that department personnel perform his/her duties according to the policies, procedures, rules, regulations and authoritative instructions of the department.
- B. Command Officers are responsible for personnel:
 1. Assigned to their command.
 2. Under their supervision even for a brief period (detached service, special program or event, etc.).
 3. Those officers who are brought to his/her attention.
- C. Command Officers are expected to initiate action whenever personnel under his/her

command are in need of training, counseling or punitive action.

- D. To initiate action means, but is not limited to, the following types of actions.
1. Take necessary action as outlined in this order.
 2. Notify the employee's immediate supervisor or the next available supervisor in the employee's chain of command.
 3. Notify the employee's Division Captain, depending on the supervisor's chain of command, and request a department internal investigation.
 4. Make a request, through the chain of command, for appropriate training.

IV. PROCEDURES

A. Training

1. Command Officers are expected to take action to train personnel under their command where such training is deemed necessary. Training can take two forms:
 - a) To teach new skills, introduce different methods, etc.
 - b) To remediate skills already taught.
2. Command Officers will submit lesson plans utilized for this training to the Captain- Administrative Services Division or his/her designee.
3. Command Officers are encouraged to suggest areas of training for the department.

B. Counseling

1. Command Officers are encouraged to counsel personnel under their command in order to clarify department expectations.
2. Counseling sessions are intended to address the performance of an individual.
 - a) All counseling sessions must be documented and all documentation will be retained by the Command Officer.

C. Punitive Actions

1. Command Officers are required to initiate corrective measures to assure compliance with department rules, regulations, policies and procedures.
2. If a Command Officer observes an employee under his/her direction violate a

department rule, regulation, policy or procedure, the Command Officer will take the following action:

- a) Advise the employee of the violation
 - b) Have the person correct the violation
 - c) Document the violation and corrective action taken
 - d) Retain the documentation
3. Depending on the type/seriousness of the violation and the violating person's chain of command:
- a) Provide training or instruction if necessary.
4. Document the violation and corrective measures in a "Counseling Letter" documenting actions taken.
- a) A "Counseling Letter" is not to be considered discipline.
 - b) A copy of the "Counseling Letter" must be forwarded to the Captain-Operations Division.
- D. Command Officers may choose to document a minor violation in writing in a "Letter of Memorandum."
1. A "Letter of Memorandum" that is written to document such performance should be specific as to the violation and the rule, regulation, etc. that was violated.
 2. A copy of the "Letter of Memorandum" must be forwarded to the Office of the Chief of Police, or his/her designee.
 - a) The letter will be placed in the employee's personnel folder (As per the agreement outlined in the contract between the Town of Irondequoit and the Irondequoit Police Department Nightstick Club P.B.A., Article 24, sect. 1)
- E. Command Officers may recommend the preferring of departmental charges when deemed necessary. Recommendations are to be made to the Chief of Police through the chain of command.

V. RELIEF FROM DUTY

- A. If a Command Officer feels that a employee under his/her direction is unfit for duty (physically, medically, emotionally or psychologically), the Command Officer may excuse the employee for the remainder of the tour.
- B. If an employee is excused from duty, he/she will retain all rights and privileges

afforded under law, contract, etc.

- C. The Command Officer will notify (or cause to be notified) the employee's immediate supervisor, the employee's Division Captain and the Chief of Police prior to the relief, if possible.
- D. The Command Officer will submit a report of the actions taken and the reasons for same to the Chief of Police.
- E. If the possession of a firearm or other issued equipment by an employee is dangerous to themselves or others, said equipment will be secured from the employee, by the Chief of Police, or his/her designee.
- F. Under extreme circumstances where the employee's mental state is such that there is imminent danger of serious injury to self or others, any Command Officer must secure such equipment.
- G. The Command Officer will immediately advise the employee's Division Captain and the Chief of Police.
- H. The Chief of Police may order the employee to the police physician for evaluation prior to return to duty.
- I. In the event that the employee's weapon was secured due to the employee's behavior or condition the Chief of Police will order the employee to the police physician for evaluation prior to being re-issued a department service pistol and return to full duty.

NOTE: This order is not intended to circumvent any right or duty provided for in the collective bargaining agreement between the Town of Irondequoit and the Nightstick Club, P.B.A.--refer to Article 25 "Department Investigation and Bill of Rights" or applicable statutes and case law apply to disciplinary actions--refer to Civil Service Law, Section 75.